

Report Date: September 9, 2021

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 09, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Adam Lee Spencer

Case Number: 0980 2:16CR00170-TOR-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: September 26, 2017

Original Offense: Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1), and 924(a)(2);
Distribution of 5 Grams or More of Actual (Pure) Methamphetamine, 21 U.S.C. §
841(a)(1), (b)(1)(B)(viii)

Original Sentence: Prison - 54 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: June 24, 2021

Defense Attorney: Ronald A. Van Wert

Date Supervision Expires: June 23, 2026

PETITIONING THE COURTTo issue a **warrant**.

The probation officer believes that the offender has violated the following conditions of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

| | |
|---|---|
| 1 | <u>Special Condition #4:</u> You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider. |
|---|---|

Supporting Evidence: On August 13, 2021, Adam Spencer allegedly violated special condition number 4 by failing to report for his admit appointment as scheduled with Pioneer Human Services (PHS).

On June 24, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Spencer, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On August 13, 2021, this officer received notification from PHS that the offender had failed to report for his admit appointment scheduled earlier that date. According to PHS, multiple attempts were made to contact Mr. Spencer at both of the phone numbers on file for him, however, were unsuccessful.

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- 2 **Special Condition #6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On August 16, 2021, Adam Spencer allegedly violated special condition number 6 by consuming methamphetamine.

On June 24, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Spencer, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On August 16, 2021, the offender reported to the U.S. Probation Office as instructed by the undersigned officer. He claimed he had used methamphetamine “a few days ago,” therefore, he was subsequently subject to random urinalysis testing. Mr. Spencer provided a urine sample that tested presumptive positive for methamphetamine and ultimately admitted to consuming methamphetamine “for the past 3 days.”

- 3 **Special Condition #6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On August 27, 2021, Adam Spencer allegedly violated special condition number 6 by consuming methamphetamine, amphetamine, morphine, and cocaine.

On June 24, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Spencer, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On August 31, 2021, this officer received notification from PHS that the offender had reported for his admit appointment on August 27, 2021, during which time an updated assessment was conducted. Mr. Spencer was also subject to random urinalysis testing and provided a urine sample that tested presumptive positive for methamphetamine, amphetamine, morphine, and cocaine. The offender subsequently signed an admission of use form admitting to the use of methamphetamine, amphetamine, morphine, and cocaine, but failed to note the date on which he used those controlled substances.

- 4 **Special Condition #4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On August 30, 2021, Adam Spencer allegedly violated special condition number 4 by failing to report for his substance abuse group treatment session as required.

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On June 24, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Spencer, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On August 30, 2021, this officer received notification from PHS that the offender failed to report for his substance abuse group treatment session earlier that day, as scheduled.

- 5 **Special Condition #4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On September 8, 2021, Adam Spencer allegedly violated special condition number 4 by failing to report for his substance abuse group treatment session as required.

On June 24, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Spencer, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On September 8, 2021, this officer received notification from PHS that the offender failed to report for his substance abuse group treatment session earlier that day, as scheduled.

- 6 **Standard Condition #13:** You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: On September 8, 2021, Adam Spencer allegedly violated standard condition number 13 by failing to report for inpatient treatment as instructed by this officer.

On June 24, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Spencer, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On September 1, 2021, the offender sent this officer a text message including a screenshot of an email from PHS, advising that he had been assigned an inpatient bed date at Pioneer Center East (PCE). In the email, it noted that Mr. Spencer was required to report to PCE on September 8, 2021, by 1 p.m.

On that same date, this officer contacted the offender to confirm receipt of his inpatient treatment information. The undersigned explained to Mr. Spencer that in spite of his relapse, the undersigned remained supportive of his efforts, but in order to continue being supportive of him he would need to sincerely engage in treatment as recommended by the treatment provider. As such, the offender was subsequently instructed to report for inpatient treatment at PCE on September 8, 2021, as arranged, and he confirmed that he understood.

On September 8, 2021, PHS contacted the assigned officer and advised that the offender had failed to report to PCE for inpatient treatment as instructed.

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Standard Condition #2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: On September 9, 2021, Adam Spencer allegedly violated standard condition number 2 by failing to report to the undersigned officer as instructed.

On June 24, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Spencer, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

On September 8, 2021, this officer unsuccessfully attempted to contact Mr. Spencer to discuss information received from PHS indicating he had failed to report for inpatient treatment earlier that date. The undersigned officer then sent the offender a text message instructing him to contact this officer immediately, and although this officer received notification that the text message had been read, Mr. Spencer did not respond.

Because the offender had failed to answer his phone or respond to this officer, after close of business on September 8, 2021, he was sent another text message instructing him to report to the U.S. Probation Office at 9 a.m. on September 9, 2021.

On September 9, 2021, Mr. Spencer failed to report to the U.S. Probation Office as instructed, and as of the writing of this report, his whereabouts are unknown.

The U.S. Probation Office respectfully recommends the Court issue a **warrant** requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/09/2021

s/Amber M.K. Andrade

Amber M.K. Andrade

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Thomas O. Rice

United States District Judge

September 9, 2021

Date